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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/529,304	04/12/2000	YOSHIMI ISU	1163-270P	6441

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EXAMINER

VO, TUNG T

ART UNIT PAPER NUMBER

2613

DATE MAILED: 03/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/529,304

Applicant(s)

ISU ET AL.

Examiner

Tung T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 and 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Request for Continued Examination

1. The request filed 01/10/03 for a Request for Continued Examination (RCE) under 37 C. F. R. 1.114 based on parent Application 09/520,304 is acceptable and an RCE has been considered. An action on the RCE follows.

Drawings

2. The corrected or substitute drawings filed on 12/13/02 are approved.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 04/12/00 and 08/05/ 02 has been considered by the examiner.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi et al. (US 5, 764,658) in view of Brusewitz (US 6,038,257).

Re claims 1-5, 9-11, and 14-17, Sekiguchi teaches an image decoding apparatus for decoding a first coded bit stream into which first header information image coded data encoded by a first coding scheme (fig. 1), which is a first sequence layer, or for decoding a second coded bit stream (fig. 1), which is a second sequence layer, into which a second header information and image coded data encoded in a second coding scheme are multiplexed, where the image decoding apparatus comprises:

coding scheme decision means (2 and 4 of fig. 5) for making a decision as to whether a received coded bit stream based on a controller (10 of fig. 5) is the first code bit stream of the second coded bit stream of the second coded bit stream in response to the first or second header information is determined by a header information decoder (16 of fig. 6);

decoding means (7 of fig. 5) for decoding image-coding information on the second coding scheme include in the second header based on the header information decoder (16) by receiving the second coded bit stream;

setting means for setting (15 of fig. 6), by receiving the first coded bit stream, the image coding information on the second coding scheme in response to image coding information on the first coding scheme included in the first header information (15 of fig.7, e.g. the sequence-start-code is set as the initial start code which is to be detected in a bit stream by the start code detector 15; see also steps S2-S4 of fig. 13,),

wherein said image decoding apparatus (7 of fig. 5) decodes the image coded data included in the first coded bit stream or in the second coded bit stream in response to the image coding information set by said setting means (fig. 7) or response to the image coding information decoded by said decoding means;

wherein said coding scheme decision means (fig. 6) makes decision in response to coding scheme identification information for identifying the first or second coding scheme, the coding scheme identification information being included in first header information or second header information (24 of fig. 7), including start code is considered as group start code (fig. 4), wherein a VO start code is considered sequence start code (fig. 4), and a VOL is a slice start code (fig. 4).

Sekiguchi further teaches the start codes that are applied to the decoding process and, wherein decoding of the first and second header information including different start code for the same layer (e.g. in figs. 22, 23, and 24 the different types of bit streams used in decoding process with different start codes for the same layer, the latest layer).

It is noted that Sekiguchi discloses all limitations above, except the first coding scheme is the H.263 standard and the second coding scheme is MPEG-4 as specified in claims 11, 14, and 15. However, Brusewitz teaches any decoder to be able to reconstruct video frames from a compressed bit-stream, the format of the bit-stream must be known to the decoder .

Standardization is one way to ensure that a bitstream is decoded correctly by different decoders. It is well known in the art that the digital video compression standards, such as MPEG-1, MPEG-2, MPEG-4, H.261, and H.263, a compression scheme called hybrid motion-compensated block-based video coding is employed, so this would suggest the first coding (compression) scheme is H.263 standard and the second coding (compression) scheme is MPEG-5 standard as suggested by Brusewitz (col. 4, lines 15-36).

Therefore, taking the combined teachings of Sekiguchi et al. and Brusewitz et al. as a whole. It would have been obvious to one of ordinary skill in the art to implement the coding

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scheme by encoder to have H.263 and MPEG-4 coding (compression) scheme (standard) as suggested by Brusewitz et al (col. 4, lines 15-26) into the decoders (7 of fig.5) of Sekiguchi for the same purpose of accurately decoding the first coding scheme, H.263, or the second coding scheme MPEG-4 based upon the first header information or the second header information as claimed. Doing so would allow the system to improve the display of a high-resolution image through integration with a corresponding lower resolution video image as suggested by Brusewitz (col. 1, lines 11-14).

Re claims 6-8, and 12-13, see the analysis in claims 1-5, 9-11, and 14-16.

Response to Arguments

3. Applicant's arguments of the Amendment C filed 12/10/02 and the Amendment D filed 1/10/03 have been fully considered but they are not persuasive.

In the remarks of the Amendment C filed 12/10/02, the applicant argued that Sekiguchi fails to disclose the setting means the image coding information on the second coding scheme in response to image coding information on the first coding scheme included in the first header information, page 9.

The examiner respectfully disagrees with the applicant. It is submitted Sekiguchi teaches the start code detector (15 of fig.7) perform the function of setting the sequence-start-code as the initial start code which is to be detected in a bit stream (e.g. steps S2-S4 of fig. 13), this suggests the setting means the image coding information on the second coding scheme in response to image coding information on the first coding scheme included in the first header information (see

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also col. 14, lines 1-43). In view of the discussion above, Sekiguchi anticipates the claimed features.

In the remarks of the Amendment C filed 12/10/02, the applicant argued that the neither Examiner's interpretation of the Brusewitz reference nor its application to claims 11-16 is correct, page 11.

The examiner respectfully disagrees with the applicant. It is submitted that Brusewitz teaches the decoder (24 of fig. 1) to decode the encoded bit-stream based upon the particular video format used or other standard (e.g. MPEG-1, MPEG-2, MPEG-4 and H.261, H.262, H.263). This means that the encoded bit-stream (coding scheme) would be identified and then decoded by the decoder (24 of fig. 1). Therefore, it would have been obvious to one skilled in the art to use such teachings of Brusewitz into the decoding process of Sekiguchi for advantageously decoding the encoded bit-stream more efficiency. In view of discussion above, the claimed features unpatentable over the combined teachings of Sekiguchi and Brusewitz.

In the remarks of the Amendment D filed 1/10/03, the applicant argued that Sekiguchi does not disclose decoding of the first and second header information including different start codes for the same layer, pages 3-4.

The examiner respectfully disagrees with the applicant. It is submitted that Sekiguchi teaches the latest layer for different type of bit-stream using different start codes (figs. 22-24) wherein the start code used in the first header information (fig. 22) different from the start code used in the second header information (fig. 23) in the same layer (latest layer). Therefore, the claimed features are unpatentable over Sekiguchi and the combination of Sekiguchi and Brusewitz.

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the previous Office Action, Paper No. 10.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



TUNG T. VO
PATENT EXAMINER

T.Vo
February 27, 2003

Tung T. Vo
Examiner
Art Unit 2613